REMARKS

With this response, claims 11, 13, 31, 33, 41, 51, 53 and 54 are amended. No new matter is added.

Applicant has amended claims 41, 51 and 54 in the manner suggested in the Office Action in light of the rejection to claims 41-50, 51-53 and 54-60 under 35 U.S.C. § 101. As such, Applicant respectfully requests the § 101 rejections to the aforementioned claims be withdrawn.

Applicant respectfully traverses the rejection of claim 1 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,728,704 ("Mao") at page 4 of the Office Action.

Mao fails to disclose or suggest at least one element of claim 1. Mao discloses a method and apparatus for merging result lists from multiple search engines in a manner that seeks to avoid computational overhead associated with current methods. See Mao, column 2, lines 57-60. Mao calls for search engines to return a result list that is received by the first search engine based on a transmitted query. See Mao, column 5, lines 30-35. A subset of entries is selected from each of the returned lists in order to reduce the associated computational overhead of evaluating every entry. See Mao, column 5, lines 37-46. The entries may be selected in a number of different ways, for example the top n documents in each list can be selected, n documents in each list that are uniformly spaced can be selected, or n documents can be selected at random from each list. See Mao, column 5, lines 49-55.

The next processing step in Mao is to determine a scoring value for each entry in the various selected subsets. See Mao, column 5, lines 56-57. Scoring values are numbers that match how closely the entry matches the query. See Mao, column 5, lines 58-59. Mao states that selection of scoring values for entries is a step that is well known in the art and that the step of determining scoring values in Mao is done according to any known method. See Mao, column 5, lines 61-65. Fig. 3 of Mao shows three result lists 110, 112 and 114 from which subsets 120, 122 and 124 are selected. See Mao, column 6, lines 45-49. Once the entries in each subset are determined, a scoring value is assigned to them in any manner known in the art. See

Mao, column 6, line 65 to column 7, line 1. Each entry in the subset is assigned a scoring value according to a scoring function. See Mao, column 3, lines 4-5 and 14-15. The scoring function is a numerical value based on the relevance of the entry to the query, with higher numerical values indicating greater relevance to the query. See Mao, column 7, lines 1-4. As shown in Fig. 3 of Mao, all of the entries in the subsets 120, 122 and 124 are assigned a scoring value.

Mao does not disclose or suggest estimating a relevance value of a particular search result in the ranked list based on its rank and actual relevance values and ranks of at least two others of the search results, as in claim 1. Mao discloses assigning a scoring value to entries in subsets, but Mao states that this step can be accomplished in any manner known in the art. The scoring values of the subsets 120, 122 and 124 are assigned according to a scoring function. None of the scoring values in the subsets of Mao are estimated, they are all assigned according to a scoring function. The aforementioned step of claim 1 is not disclosed or remotely suggested in Mao as the aforementioned step of claim 1 is not known in the art.

Applicant respectfully submits that claim 1 defines over Mao and is in condition for allowance as Mao does not disclose or suggest all of the claim elements of claim 1. Applicant requests the rejection to claim 1 be withdrawn. Applicant also submits that the claims that depend from claim 1 (claims 2-10) are also in condition for allowance.

Applicant respectfully traverses the rejection of claim 11 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0078045 ("Dutta") at page 9 of the Office Action.

Dutta fails to disclose or suggest a method comprising determining a search engine weighting value based on the category weighting values and the first associated relevance values, as in claim 11. Support for the amendment made to claim 11 may be found at least in Fig. 4 of the drawings of Applicant's Application and on at least page 9, paragraph 1036. Dutta discloses a system in which search results obtained by a search engine server may be ranked by associating user category weights with each file indexed in a search database. See Abstract of Dutta. Dutta states that prior search engines employ some form of ordering of search results in order to aid the user. See Dutta, page 2, paragraph 0010. Dutta seeks to improve upon current methods by categorizing users of a search service into one or more of a plurality of user categories. See

Dutta, page 2, paragraph 0013. Search results provided by the search service may then be ranked in accordance with the user category. See Dutta, page 2, paragraph 0013.

The user categories in Dutta are predefined and include categories in which users with similar profiles or characteristics may be assigned. See Dutta, page 5, paragraph 0039. An advertising profile service such as Doubleclick may be used to provide the user categories. See Dutta, page 5, paragraph 0039. Additionally, a user may register with the search engine server to identify a user with a user category, or the user may submit his or her e-mail to the search engine server which then extracts an initial user category by comparing the e-mail address to e-mail addresses previously associated with the defined user categories. See Dutta, page 6, paragraphs 0040 and 0041. As an example, user categories may include topics such as the age, profession, geographical location, sex, interests and hobbies of the user. See Dutta, page 5, paragraph 0039.

In Dutta, search results ranked in accordance with a user category are returned to a user by the search engine server. See Dutta, page 7, paragraph 0045. The search results may include a list of files, such as web pages or documents, meeting the search criteria submitted by the user, and the list of files is ranked in accordance with the user category. See Dutta, page 7, paragraph 0045. A user category weight may be associated to a file indexed within a search database, and the category weight may be a value assigned that determines the degree of relevance or suitability of the file to the user category. See Dutta, page 7, paragraph 0047. Ranking the files from the search results in accordance with a user category allows the desired information to be examined efficiently. See Dutta, page 7, paragraph 0045.

Claim 11 calls for a method comprising determining a search engine weighting value based on the category weighting values and the first associated relevance values. Dutta does not disclose or suggest this element as a search engine weighting value is not identified or even remotely suggested. Dutta does disclose associating a user category weight with files that are indexed within the search database. However, the user category weights are values assigned to a file with respect to various user categories. The user category weights are not values or a value that is assigned to the search engine itself.

As such, Applicant respectfully submits that claim 11 defines over Dutta and requests the rejection of claim 11 be withdrawn. Applicant also submits that all claims that depend from

claim 11 (claims 12 and 13) are also in condition for allowance. Claim 13 has been amended to make its language consistent with claim 11.

Applicant respectfully traverses the rejection of claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Mao in view of U.S. Patent No. 5,870,740 ("Rose") at page 11 of the Office Action.

The combination of Mao and Rose fails to disclose a method comprising the step of for at least one of the search results absent the actual relevance value, estimating its relevance value based on its rank, and the ranks and the actual relevance values of at least two others of the search results, as in claim 14. The Office Action points towards column 5, lines 36-42 and lines 46-54 in Mao for disclosing this step. See page 11 of the Office Action. However, the cited lines in Mao only relate to a selected small number of entries from the result lists 110, 112 and 114 by either choosing the top n documents, n documents that are uniformly spaced, or n documents that are selected at random. Mao does not disclose or suggest search results that are absent an actual relevance value. To the contrary, Mao specifically discloses determining scoring values according to any known method. See Mao, column 5, lines 56-65. As shown in Fig. 3 of Mao, the scoring entries in subsets 120, 122 and 124 are all assigned scoring values and none of them are estimated as set forth in claim 14.

Rose was cited on page 12 of the Office Action for "weighting value associated with the search engine." See page 12 of the Office Action. Rose fails to disclose or teach the aforementioned element of claim 14 discussed above in relation to Mao and Applicant respectfully submits that a *prima facie* case of obviousness does not exist based on the combination of Mao and Rose as all of the elements of claim 14 are not found in the combination of references. Applicant respectfully requests the rejection to claim 14 be withdrawn. Applicant also submits that all claims that depend from claim 14 (claims 15-20) are also in condition for allowance.

Applicant respectfully traverses the rejection of claim 21 under 35 U.S.C. § 102(e) as being anticipated by Mao at page 4 of the Office Action. Specifically, Mao fails to disclose or suggest an apparatus estimating a relevance value of a particular search result in the ranked list based on its rank and actual relevance values and ranks of at least two others of the search

results, as in claim 21. Mao fails to disclose or suggest this claim element for the same reasons as discussed above with respect to claim 1. Applicant requests the rejection to claim 21 be withdrawn and Applicant submits that the claims that depend from claim 21 (claims 22-30) are also in condition for allowance.

Applicant respectfully traverses the rejection of claim 31 under 35 U.S.C. § 102(b) as being unpatentable over Dutta at page 9 of the Office Action. Dutta does not disclose determining a search engine weighting value based on the category weighting values and the first associated relevance values, as in claim 31. Dutta fails to disclose or suggest this claim element for the same reasons as discussed above with respect to claim 11. Applicant requests the rejection to claim 31 be withdrawn and Applicant submits that the claims that depend from claim 31 (claims 32 and 33) are also in condition for allowance. Claim 33 has been amended to make its language consistent with claim 31.

Applicant respectfully traverses the rejection of claim 34 under 35 U.S.C. § 103(a) as being unpatentable over Mao in view of Rose at page 11 of the Office Action. The combination of references does not disclose, for at least one of the search results absent the actual relevance value, estimating its relevance value based on its rank, and the ranks and the actual relevance values of at least two others of the search results, as in claim 34. The combination of references fails to disclose or suggest this claim element for the same reasons as discussed above with respect to claim 14. Applicant requests the rejection to claim 34 be withdrawn and Applicant submits that the claims that depend from claim 34 (claims 35-40) are also in condition for allowance.

Applicant respectfully traverses the rejection of claim 41 under 35 U.S.C. § 102(e) as being anticipated by Mao at page 4 of the Office Action. Specifically, Mao fails to disclose or suggest an article comprising estimating a relevance value of a particular search result in the ranked list based on its rank and actual relevance values and ranks of at least two others of the search results, as in claim 41. Mao fails to disclose or suggest this claim element for the same reasons as discussed above with respect to claim 1. Applicant requests the rejection to claim 41 be withdrawn and Applicant submits that the claims that depend from claim 41 (claims 42-50) are also in condition for allowance.

Applicant respectfully traverses the rejection of claim 51 under 35 U.S.C. § 102(b) as being unpatentable over Dutta at page 9 of the Office Action. Dutta does not disclose determining a search engine weighting value based on the category weighting values and the first associated relevance values, as in claim 51. Dutta fails to disclose or suggest this claim element for the same reasons as discussed above with respect to claim 11. Applicant requests the rejection to claim 51 be withdrawn and Applicant submits that the claims that depend from claim 51 (claims 52 and 53) are also in condition for allowance. Claim 53 has been amended to make its language consistent with claim 51.

Applicant respectfully traverses the rejection of claim 54 under 35 U.S.C. § 103(a) as being unpatentable over Mao in view of Rose at page 11 of the Office Action. The combination of references does not disclose, for at least one of the plurality of search results absent an actual relevance value, estimating its relevance value based on its rank, and the ranks and the actual relevance values of at least two others of the search results, as in claim 54. The combination of references fails to disclose or suggest this claim element for the same reasons as discussed above with respect to claim 14. Applicant requests the rejection to claim 54 be withdrawn and Applicant submits that the claims that depend from claim 54 (claims 55-60) are also in condition for allowance.

Conclusion

Applicant has pointed out specific features of the claims not disclosed, suggested, or rendered obvious by the references applied in the Office Action. Accordingly, Applicant respectfully requests reconsideration and withdrawal of each of the objections and rejections, as well as an indication of the allowability of each of the pending claims.
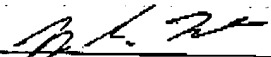
Any changes to the claims in this amendment, which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

The Examiner is invited to contact the undersigned attorney at the telephone number listed below if such a call would in any way facilitate allowance of this application.

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PAGE 21/22 * RCVD AT 3/21/2006 4:35:19 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/2 * DNIS:2738300 * CSID:512 306 8545 * DURATION (mm-ss):06-02

The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

_____3-21-2006_____
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